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10/655,372	09/05/2003	Masanao Sakai	053969-0157	8586

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/655,372	SAKAI, MASANAO
	Examiner	Art Unit	
	Joseph Pan	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/1/07&10/20/05&</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   Applicant's response filed on August 1, 2007 has been carefully considered. Claims 1-32 are pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arrow et al. (U.S. Patent No. 6,175,917 B1), hereinafter "Arrow", in view of Yamaguchi et al. (U.S. Pub. No. 2001/0042201 A1), hereinafter "Yamaguchi".

Referring to claim 1:

    i.   Arrow teaches:

A network comprising:

IPsec processing apparatuses, which use an IPsec (Internet Protocol security protocol) for securing security on the Intern path in the case where different two centers communicate via the Internet (see figure 1, elements 115, 125, 135, 145, 155; and column 6, line 61, through column 7, line 7, of Arrow); and

an IPsec setting server apparatus, which manages IPsec settings of said IPsec processing apparatuses (see figure 1, element 160; figure 13, elements

1314 "define access control rules", 1316 "define address translation rules"; and column 15, line 69, through column 16, line 15, of Arrow);

wherein said Ipsec setting server apparatus includes means for collectively managing policies of said IPsec to be applied between first and second IPsec processing apparatuses (see figure 1, element 160; figure 13, elements 1314 "define access control rules", 1316 "define address translation rules"; and column 15, line 69, through column 16, line 15 of Arrow).

Arrow discloses IP protocol and IP packets (see column 6, lines 51-54 of Arrow). However, Arrow does not specifically mention the IPsec (Internet Protocol security protocol).

ii.   Yamaguchi teaches a security communication method wherein Yamaguchi discloses using IPsec to implement VPN (Virtual Private Network) (see page 1, paragraph [0008] of Yamaguchi).

iii.   It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yamaguchi into the method of Arrow to use IPsec.

iv.   The ordinary skilled person would have been motivated to have applied the teaching of Yamaguchi into the system of Arrow to use IPsec, because Arrow teaches implementing VPN (Virtual Private Network) via IP (Internet Protocol), and Yamaguchi discloses using IPsec to implement VPN (see page 1, paragraph [0008] of Yamaguchi). Therefore, Yamaguchi's teaching would be a good match to Arrow's teaching.

Referring to claims 2, 9, 22:

Arrow and Yamaguchi teach the claimed subject matter: a network. They further disclose specifying policies (see column 15, line 69, through column 16, line 15, of Arrow).

Referring to claims 3-4, 10-11, 16-17, 23-24, 29:

Arrow and Yamaguchi teach the claimed subject matter: a network. They further disclose transmitting messages between IPsec setting server apparatus and IPsec processing apparatus (see column 9, lines 19-22 of Arrow).

Referring to claims 15, 28:

Arrow and Yamaguchi teach the claimed subject matter: a network. They further disclose the inquiry means (see page 4, paragraph [0045], lines 1-5 of Yamaguchi).

Referring to claims 5, 12, 25:

Arrow and Yamaguchi teach the claimed subject matter: a network. They further disclose generating SA (Security Association) parameters (see figure 13, element 1310 'define VPN parameters'; and column 15, lines 52-54 of Arrow).

Referring to claims 6, 13, 26:

Arrow and Yamaguchi teach the claimed subject matter: a network. They further disclose send a message including the policies and the SA parameters (see figure 13, elements 1310, 1314, 1316; and column 9, lines 19-22 of Arrow).

Referring to claims 7, 14, 19, 27, 31:

Arrow and Yamaguchi teach the claimed subject matter: a network. They further disclose the keys for encryption and authentication (see column 11, lines 32-34 of Arrow).

Referring to claim 8:

i. Arrow teaches:

An IPsec setting server apparatus managing IPsec setting of IPsec processing apparatuses, which use an IPsec (Internet Protocol security protocol) for securing security on the Internet path in the case where different two centers communicate via the Internet (see figure 1, element 160; figure 13, elements 1314 "define access control rules", 1316 "define address translation rules"; and column 15, line 69, through column 16, line 15, of Arrow),

wherein said IPsec setting server apparatus includes means for collectively managing policies of said IPsec to be applied among sad IPsec processing apparatuses (see figure 1, element 160; figure 13, elements 1314 "define access control rules", 1316 "define address translation rules"; and column 15, line 69, through column 16, line 15 of Arrow).

Arrow discloses IP protocol and IP packets (see column 6, lines 51-54 of Arrow). However, Arrow does not specifically mention the IPsec (Internet Protocol security protocol).

ii.   Yamaguchi teaches a security communication method wherein Yamaguchi discloses using IPsec to implement VPN (Virtual Private Network) (see page 1, paragraph [0008] of Yamaguchi).

iii.   It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yamaguchi into the method of Arrow to use IPsec.

iv.   The ordinary skilled person would have been motivated to have applied the teaching of Yamaguchi into the system of Arrow to use IPsec, because Arrow teaches implementing VPN (Virtual Private Network) via IP (Internet Protocol), and Yamaguchi discloses using IPsec to implement VPN (see page 1, paragraph [0008] of Yamaguchi). Therefore, Yamaguchi's teaching would be a good match to Arrow's teaching.

Referring to claim 15:

i.   Arrow teaches:

An IPsec processing apparatus using an IPsec (Internet Protocol security protocol) on the Internet, wherein said IPsec processing apparatus includes means for, upon receiving a packet to which said IPsec should be applied,

judging whether or not to inquire a setting for said IPsec to be collectively managed in an IPsec setting server apparatus from said IPsec setting server apparatus (see column 4, lines 38-40; column 11, lines 27-30 of Arrow).

Arrow discloses IP protocol and IP packets (see column 6, lines 51-54; and column 9, lines 19-22 of Arrow). However, Arrow does not specifically mention the IPsec (Internet Protocol security protocol).

ii.   Yamaguchi teaches a security communication method wherein Yamaguchi discloses using IPsec to implement VPN (Virtual Private Network) (see page 1, paragraph [0008] of Yamaguchi).

iii.   It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yamaguchi into the method of Arrow to use IPsec.

iv.   The ordinary skilled person would have been motivated to have applied the teaching of Yamaguchi into the system of Arrow to use IPsec, because Arrow teaches implementing VPN (Virtual Private Network) via IP (Internet Protocol), and Yamaguchi discloses using IPsec to implement VPN (see page 1, paragraph [0008] of Yamaguchi). Therefore, Yamaguchi's teaching would be a good match to Arrow's teaching.

Referring to claims 18, 30:

Arrow and Yamaguchi teach the claimed subject matter: an IPsec processing apparatus. They further disclose the SPD, SAD (see e.g. figure 10, elements 1010, 1005 of Yamaguchi).

Referring to claims 20, 32:

Arrow and Yamaguchi teach the claimed subject matter: an IPsec processing apparatus. They further disclose acquiring new setting information (see column 10, lines 41-51 of Arrow).

Referring to claim 21:

i.   Arrow teaches:

An IPsec setting method for a network which comprises:

IPsec processing apparatuses, which use an IPsec (Internet Protocol security protocol) for securing security on the Internet path in the case where different two centers communicate via the Internet (see figure 1, elements 115, 125, 135, 145, 155; and column 6, line 61, through column 7, line 7, of Arrow); and

an IPsec setting server apparatus, which manage IPsec settings of said IPsec processing apparatuses (see figure 1, element 160; figure 13, elements 1314 "define access control rules", 1316 "define address translation rules"; and column 15, line 69, through column 16, line 15, of Arrow),

wherein said IPsec setting server apparatus includes a step of collectively managing policies of said IPsec to be applied among said IPsec processing

apparatuses (see figure 1, element 160; figure 13, elements 1314 "define access control rules", 1316 "define address translation rules"; and column 15, line 69, through column 16, line 15 of Arrow).

Arrow discloses IP protocol and IP packets (see column 6, lines 51-54; and column 9, lines 19-22 of Arrow). However, Arrow does not specifically mention the IPsec (Internet Protocol security protocol).

ii.   Yamaguchi teaches a security communication method wherein Yamaguchi discloses using IPsec to implement VPN (Virtual Private Network) (see page 1, paragraph [0008] of Yamaguchi).

iii.   It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Yamaguchi into the method of Arrow to use IPsec.

iv.   The ordinary skilled person would have been motivated to have applied the teaching of Yamaguchi into the system of Arrow to use IPsec, because Arrow teaches implementing VPN (Virtual Private Network) via IP (Internet Protocol), and Yamaguchi discloses using IPsec to implement VPN (see page 1, paragraph [0008] of Yamaguchi). Therefore, Yamaguchi's teaching would be a good match to Arrow's teaching.

Response to Arguments

4.   Applicant's arguments filed August 1, 2007 have been fully considered but they are not persuasive.

Applicant argues:

"As admitted in the outstanding Office Action, Arrow does not disclose using IPsec as a security protocol for its VPN" (see page 2, 1st paragraph, Applicant's Arguments/Remarks)

Examiner maintains:

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arrow et al. (U.S. Patent No. 6,175,917 B1), hereinafter "Arrow", in view of Yamaguchi et al. (U.S. Pub. No. 2001/0042201 A1), hereinafter "Yamaguchi". As Examiner points out in the previous Office Action, Arrow discloses IP (Internet Protocol) and IP packets (see column 6, lines 51-54 of Arrow). However, Arrow does not specifically mention the IPsec (Internet Protocol security protocol). Therefore, Examiner uses Yamaguchi as the secondary reference, as Yamaguchi teaches a security communication method wherein Yamaguchi discloses using IPsec to implement VPN (Virtual Private Network) (see page 1, paragraph [0008] of Yamaguchi).

Therefore, the combination of Arrow and Yamaguchi disclose using IPsec as a security protocol for its VPN.

"There is no disclosure in Arrow, even without utilizing the IPsec protocol, of a server that manages the security policies of a network security protocol to be applied between client machines" (see page 2, 1st paragraph, Applicant's Arguments/Remarks)

Examiner maintains:

Arrow discloses "Configuration module 710 [i.e., in VPN unit, see figure 7] is coupled to a number of functional units within operating system 116. It facilitates the loading of configuration information from VPN management station 160 [i.e., VPN setting server] (from FIG. 1) and/or the reporting of configuration information to VPN management station 160. Configuration information illustratively includes information specifying how to implement the VPNs defined by the system (e.g., the applicable encryption, compression and authentication algorithms), the operating system in use on VPN unit 115, etc." (see column 12, lines 1-10 of Arrow, emphasis added)

Therefore, Arrow discloses a server [i.e., VPN management station] that manages the security policies [i.e., Configuration information illustratively includes information specifying how to implement the VPNs defined by the system (e.g., the applicable encryption, compression and authentication algorithms] of a network security protocol to be applied between client machines.

Conclusion

5.   Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire
THREE MONTHS from the mailing date of this action. In the event a first reply is filed
within TWO MONTHS of the mailing date of this final action and the advisory action is
not mailed until after the end of the THREE-MONTH shortened statutory period, then
the shortened statutory will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

Any inquiry concerning this communication or earlier communications from
the examiner should be directed to Joseph Pan whose telephone number is 571-272-
5987.

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone
numbers for the organization where this application or proceeding is assigned is 703-
872-9306.

Any inquiry of a general nature or relating to the status of this application
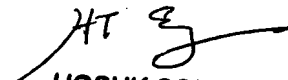or proceeding should be directed to the receptionist whose telephone number is 571-
272-2100.

Joseph Pan

August 23, 2007

HOSUK SONG
PRIMARY EXAMINER